

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ABDUR-RASHID MUHAMMAD,

Petitioner,

8:23CV147

vs.

ROB JEFFREYS, Director of Nebraska
Department of Correctional Services;

Respondent.

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner’s “Objection for Respondent’s Failure to Serve Pleadings” (the “Objection”), [Filing No. 15](#), and his Motion seeking to supplement the record (the “Motion to Supplement”), [Filing No. 18](#). For the reasons set forth below, the Objection shall be denied as moot and Respondent shall be ordered to respond to Petitioner’s Motion to Supplement.

In his Objection filed September 15, 2023, Petitioner argued that he could not adequately respond to the motion for summary judgment filed by Respondent as Petitioner was not served with either the designation of state court records or Respondent’s brief in support of the motion for summary judgment. [Filing No. 15](#). On September 21, 2023, Respondent filed a certificate of service certifying that the Motion for Summary Judgment, [Filing No. 9](#), Designation of State Court Records in Support of Motion for Summary Judgment, [Filing No. 10](#), Statement of Undisputed Materials Facts,

[Filing No. 11](#), Brief in Support of Motion for Summary Judgment, [Filing No. 12](#), and copies of the specific pages of the designated record cited in [Filing Nos. 11 and 12](#), were resent to Petitioner at the Nebraska State Penitentiary. As Petitioner has now been served, the Objection is moot.

In his Motion to Supplement, Petitioner argues that Respondent's designation of state court records is insufficient and seeks documents which he submits "will provide sufficient evidence and facts . . . relevant to the statute of limitations" in order to adequately respond to Respondent's Motion for Summary Judgment.¹ [Filing No. 18](#) at [12](#). Upon consideration, the Court will direct Respondent to file a response to the Motion to Supplement.

IT IS THEREFORE ORDERED that:

1. The Objection, [Filing No. 15](#), is denied as moot.
2. Respondent shall file a response to Petitioner's Motion to Supplement, [Filing No. 18](#), on or before **March 1, 2024**. Respondent may attach additional records to his response if deemed appropriate.
3. The deadline for Petitioner to file a response to the motion for summary judgment shall remain suspended until resolution of the Motion to Supplement, at which time the Court shall set a briefing schedule to conclude briefing on the motion for summary judgment.

¹ The Court suspended the deadline for Petitioner to file his responsive pleading until the Objection was resolved. [Filing No. 16](#). The deadline remains suspended as although Respondent resolved the Objection on September 21, 2023, as discussed *supra*, Petitioner filed the instant Motion to Supplement which also requires resolution prior to resetting the deadline for Petitioner to file a response to the motion for summary judgment.

Dated this 31st day of January, 2024.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Court